

#64

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14 December 2006

Mayor Will Wynn
Mayor Pro Tem Betty Dunkerley
Council Member Lee Leffingwell
Council Member Mike Martinez
Council Member Jennifer Kim
Council Member Brewster McCracken
Council Member Sheryl Cole

Austin City Hall
P.O. Box 1088
Austin, TX 78767

RE: **Zoning Case: C14-06-0158 (DMU-CO)**
1801 -1805 Nueces St., Austin Texas

Mayor Wynn and Council Members.

The subject property is a 6,854 square foot property located on the corner of Nueces and W 18th St. It is currently zoned GO and used for residences. The structures are old and in need of repair and modernization. The amount of remedial work required would necessitate rehabilitation to meet current life safety and development code standards. This is not economically feasible. The proximity of the property to the University and to the small offices as well as to downtown warrants the mixed use zoning. The placement of goods and services in close proximity to where people live and work will allow increased densities without sacrificing livability. This is a goal of the city of Austin.

The area is not yet included in a neighborhood plan so the DMU zoning is the only mixed used category currently available to the property. The Applicant understands that DMU zoning potentially would allow a very dense development on the site. As an exercise the application outlined a very broad development envelope that cannot physically be filled because of site limitations. The resulting development will be significantly less than what is allowed by DMU zoning and substantially less than the envelope outlined in the original application. The applicant is not asking for relief from or change to any existing zoning regulations.

Facts: The Subject Lot is further limited by the fact it is located on a corner, potentially requiring both a street yard and a side street setback. DMU zoning allows the option of building to the street face and participating in a more urban and public landscape design vocabulary *and* providing residential options. The Applicant is committed to the public design principles of Great Streets and creating a more pedestrian friendly experience while continuing the housing tradition in the area.

The Applicant has met with the 5 Rivers Neighborhood and together have reached agreement on the issues that are reflected in the Ordinance and Restrictive Covenant. As the project is developed, and through site plan review, we will continue to work with our adjacent neighbors.

The Applicant is also committed to providing both permanent residential and commercial opportunities in the context of an *economically viable* project. Whether this takes the form of live work units, rental or condominium units or the more conventional retail ground floor and dwelling units above is not known at this time. What is known is the number of parking spaces that can be provided on site is finite and the final usable square footage of the project will be determined based on the available parking provided by this project. The Applicant will use the parking reductions provided by code and as determined appropriate by both city of Austin transportation planners and private parking and access planners. The project will not be viable unless the area built is aligned with the amount of parking provided.

The opponents of the project cite concerns about the available public parking and attest that the proposed zoning change will allow the Applicant to "use more than his share" of the available street parking. To my knowledge street parking is not apportioned by lot number or size and is indeed a public resource. The project will return at least one parking space to the street, if not two, as curb cuts are closed to allow for redevelopment. It is also assumed the project *will* use street parking, but only a rotational basis provided by metering, and as had been done traditionally in the city.

The existing parking (with the exception of one block) is metered and available to all. Observations made over the course of the last calendar quarter, have shown there to be ample parking available on the street at all times of the day, with the exception of the block of where there are no parking meters. Those spaces are indeed full, and I suspect they fill up early in the day and provide very little turnover space during the day. The accompanying photos show the low use of parking even near the restaurants located on MLK. These photos were taken during the day and during the UT semester, certainly a time of maximum population in the area.

Finally, to deny the zoning request based on the petitioners objections, would second guess the policy and provisions of flexibility provided in the DMU zoning classification prior to a project being fully programmed and defined. This amounts to requiring a site plan *as a condition of* zoning and a consolidated process that is not currently required or defined in the city's development process.

Sincerely,



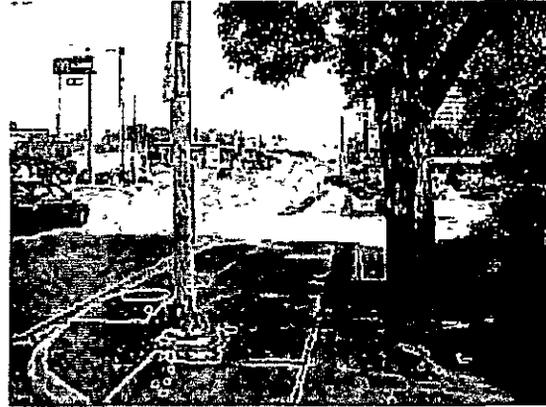
Donna D. Carter, AIA
Carter Design Associates

attachments

ALL PHOTOS TAKEN BETWEEN 10:45 AM and 3:00 PM, 17-19 OCTOBER 2006



MLK looking West



MLK Looking East



18th Street - Non-metered block looking West



18th Street: Non-metered block looking East



MLK @ Nueces looking South



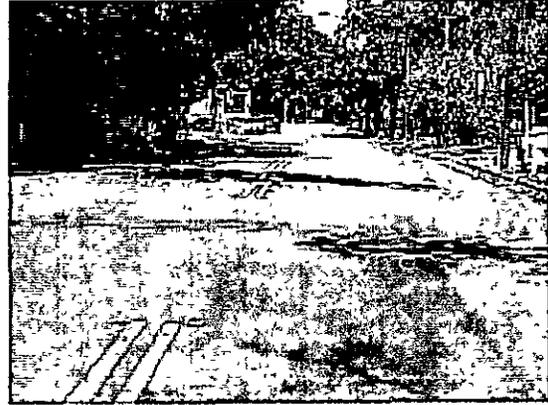
1800 block of Nueces



Nueces looking South



18th Street looking West



Nueces Street looking North

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**RE: Postponement of Zoning Case: C14-06-0158 (DMU-CO)
1801 -1805 Nueces St., Austin Texas**

Mayor Wynn and Council Members:

The petitioners have asked for a second postponement. It will be to request additional time to meet with us about reaching an agreement about changes to the DMU zoning. They are requesting that we agree to meet CURE parking requirements. They say this is only fair because these are the rules they had to follow. With our commitment to public improvements and our commitment to mixed use, we are taking on additional responsibilities with this zoning request.

We are agreeing to Great Streets and we will provide parking as required for our project. To provide for the ground level activity that is not parking, our parking will be more expensive than the surface lots they have provided. For sure it will be decidedly different than the sketch they provided. And they are correct, if we can only fit the 10 cars, we will not be providing 10 dwelling units. Our final mix will work with the parking that we can provide. That is the bottom line.

The benefits to be gained from mixed use zoning in planning and building for our city's future are derived from an educated and professional assessment of a specific project's need for and use of available resources. And this requirement changes over time. When the site plan is submitted, with the designate uses, the parking characteristics of the project will more fully be known and the realistic ratios within the parameters of the ordinance at that time will be determined. Even when this project is redeveloped in the future, the plans will again be reviewed for parking, according to the new uses. This will never be a stagnant process.

There are several reasons why we cannot commit to a specific fixed percentage at this time.

The mix of uses will be finalized during the design process. Determining adequacy of parking in a mixed use environment requires looking at the proposed uses and assessing the parking requirements on an hour by hour, day by day basis. Using this analysis you provide 100% of the parking for each use, but only when it is needed, i.e., residential at night and retail during the day. Obviously most times are in a transition from one extreme use to another.

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14 December 2006
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Our project area is very small. We know more residential units will require more of our parking, but we are committed to providing the residential units. But arbitrary percentages do not work 2 - 2bdrm units require 4 spaces. 80% requires 4 because fractions are usually counted up. This policy does nothing to encourage the shift in patterns that we desire, nor reflect the mixed use, proximity to transit that this site enjoys.

What the petitioners are requesting is a change in policy about the way a mixed use development is reviewed and accommodated. They are asking this consideration based on an erroneous perception that they have a parking problem in their immediate area. The existence of this problem is not validated either by anecdotal or empirical evidence.

Sincerely,

A handwritten signature in black ink that reads "Donna D. Carter". The signature is written in a cursive style with a period at the end.

Donna D. Carter, AIA
Carter Design Associates